IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 617 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21-12-2000, W.P.No.5214 of 1990 on the file of the High Court.)

Between:

1 The Joint Collector & District Magistrate,
Kakinada, E.G.District.
2 The Sub-Collector, Rampachodavaram, E.G.District.
3 The Mandal Revenue Officer, Gangavaram, E.G.District.

..... Appellants/Respondents 1 to 3

AND

1 Varre Venkata Ramana Jagan Mohan Rao,

S/o Varre Ayyappa Naidu, R/o Pidatamamidi Village,

East Godavari District.
2 Varre Appa Rao S/o Varre Ayyappa Naidu
R/o Pidatamamidi Village, East Godavari District.
3 Varre Sita Pati Rao S/o Varre Ayyappa Naidu
R/o Pidatamamidi Village, East Godavari District.
4 Varre Janakiramaiah S/o Varre Ayyappa Naidu
R/o Pidatamamidi Village, East Godavari District.
5 Varre Chittibabu S/o Varre Ayyappa Naidu
R/o Pidatamamidi Village, East Godavari District.
6 Varre Venkata Narasimha Rao, S/o Varre Ayyappa Naidu,
R/o Pidatamamidi Village, East Godavari District.

.....Respondents/Writ petitioners

Counsel for the Appellants:GP FOR SOCIAL WELFARE
Counsel for the Respondents: MR.DUBA VN BABU

The Court at the admission stage made the following :

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

The caste certificates of respondents 1 to 6 were cancelled. The action was challenged in writ petition No.5214 of 1990. The order cancelling the caste certificates was passed on 24-01-1990. Learned Single Judge found that the reasons given to cancel the certificates were not relevant. The reasons given were that cancellation of caste certificate of the cousin of respondents 1 to 6, Varre Appa Rao, was challenged in writ petition No.10870 of 1988. There have been successive enquiries against him and the Court held that no further enquiries should be made regarding his caste. The contention of the writ petitioners before the learned Single Judge was that on same principle, the impugned order should be cancelled, this was not agreed by the learned Single Judge, but he found that the certificates were cancelled without giving due opportunity to respondents 1 to 6-writ petitioners to defend their claim. It was also found that the enquiry, which had been conducted was admittedly conducted behind the back of the writ petitioners, therefore, the learned Single Judge, allowed the writ petition and struck down the order dated 24-01-1990. Aggrieved by the same, the present appeal has been filed. Learned Government Pleader for Social Welfare submits that if the impugned order is struck down by the learned Single Judge on the ground that no enquiry was conducted and no chance of being heard was given to the respondents, then an opportunity should have been given to the appellants to conduct a fresh enquiry. We think that it was a normal consequence of the order passed by the learned Single Judge. Therefore, while allowing this appeal, we modify the order of the learned Single Judge to the extent that the appellants shall be at liberty to proceed in the matter in accordance with law and if they decide to conduct a fresh enquiry, the respondents shall be

associated with that enquiry and they shall be heard before any order is passed. No order as to costs.

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(Bilal Nazki, ACJ)

5th July, 2005

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(G.Chandraiah,J)

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To

1 The Joint Collector & District Magistrate,
Kakinada, E.G.District.
2 The Sub-Collector, Rampachodavaram, E.G.District.
3 The Mandal Revenue Officer, Gangavaram, E.G.District.

4 Two C.Cs to the G.P. for Social Welfare, High Court Buildings,

A.P., Hyderabad (OUT)

5 Two C.D copies.